

**FLUVANNA COUNTY PLANNING COMMISSION  
MEETING MINUTES  
Morris Room – County Administration Building  
132 Main Street Palmyra, VA 22963  
Tuesday, August 13, 2024  
Work Session 6:00PM | Regular Meeting 7:00pm**

**MEMBERS PRESENT:**

Barry Bibb, Chair  
Kathleen Kilpatrick, Commissioner  
Howard Lagomarsino, Commissioner  
Lorretta Johnson-Morgan, Commissioner  
Eddie Shifflett, Commissioner  
Mike Goad, Representative of Board of Supervisors

**ABSENT:**

None

**STAFF PRESENT:**

Todd Fortune, Director of Planning  
Dan Whitten, Fluvanna County Attorney  
Kayla Polychrones, Administrative Assistant  
Kelly Harris, Assistant County Administrator  
Eric Dahl, County Administrator

**CALL WORK SESSION TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**

At 6:00 pm, Chair Bibb, called the August 13, 2024 Work Session to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

**WORK SESSION:**

**Solar Ordinance Review Committee Presentation, Todd Fortune, Director of Planning**

On July 3<sup>rd</sup>, The Board of Supervisors approved the amendment to Section 22-4-2.2 of the Fluvanna County Code to remove utility scale solar generation facilities as a use allowed by special use permit in the Agricultural. A-1 Zoning District. The Solar Ordinance Review Committee has met three times since then (July 16, 22, and 29<sup>th</sup>) and has proposed the following regulations and uses for the creation of S-1 District:

- S-1 keeps the following by-right A-1 uses: agriculture, conservation areas, farm sales, accessory uses, non-commercial cemeteries, non-commercial greenhouses, small-scale solar generating facilities, and minor utilities.
- S-1 keeps the following SUP-only A-1 uses: agricultural enterprise, wholesale agricultural sales, commercial livestock feed lots and sales yards, communications services, minor-scale solar generating facilities, telecommunication facilities, and major utilities
- S-1 adds utility-scale solar generating facilities as use permitted by SUP only
- The Committee is also developing a new Article 28, supplemental regulations to regulate the siting, construction, management and decommissioning of utility-scale solar generation facilities (USSGFs).
- The maximum size for any USSGF is 500 acres, and no more than three percent of total County acreage (approx. 5400 acres) may be used for USSGFs.
- The new regulations include 500-foot setbacks from dwellings, property lines, public rights-of-way, ponds, and perennial streams, and 1,000-foot setbacks from the James, Rivanna, and Hardware Rivers, and all lakes
- USSGFs must be screened from ground-level view by a vegetative buffer of at least 175 feet, located within the required setback and around the entire perimeter.
- The owner/developer may use an existing forest buffer, new vegetative screening, or berms.
- Performance bonds will be posted to ensure maintenance of vegetative buffers, to be released only after decommissioning.
- Maximum structure height will be 20 feet above ground
- USSGF project area must be enclosed by six-foot high security fencing with opaque screening on the interior of the vegetative buffer, while allowing access corridors for wildlife.
- Outdoor lighting will be permitted only for security and on-sight maintenance, and shall be shielded and dark sky compliant.
- Solar panels will be placed to prevent concentrated radiation or glare being directed onto other properties or roads.
- Except for signs with emergency information at each access point, no signage will be allowed on the fencing, structures or buildings in the USSGF project area.

- Emergency access will be provided in at least two separate access points, with aisle widths at least 20 feet wide.
- Construction activity is limited to 7:00 am-6:00 pm. On Monday through Saturday, other than emergency repairs.
- Wiring on all new distribution and transmission lines will be underground
- New transmission lines will be subject to plan of development review
- Wires going up the poles of solar panels will be in conduit
- If the project area is larger than 50 acres, the application must identify wildlife corridors that are shown on the site plan
- A landscaping plan will be required with the SUP application which will: maximize preservation of existing trees and vegetation, include tree inventory, existing plant material must consist of a mix of evergreen (if added a minimum planting height of 8 feet) and deciduous trees (if added must have a minimum 2 inch caliper), for any new vegetative buffer, native and pollinator-friendly plant species are preferred, and all landscaping shown on the approved plan shall be installed prior to beginning power production.
- Vegetation Management Plan including description of ground cover and only biodegradable soap and water may be used to clean surface of solar panels.
- Erosion and Sediment control plan must be approved by Soil and Water Conservation District and DEQ prior to land disturbance. No topsoil may be removed from the site, but must be used onsite. Applicant may be required to fund a third party E&S control inspector during construction, to be chosen by County Planning Director.
- Panels shall not be installed on steep slopes of 20% or greater; such slopes must remain undisturbed to the maximum extent practicable.
- Impact analysis is required for historical and cultural resources, including graves sites. If any such resources are identified, analysis shall include a proposed plan to preserve and protect them through avoidance, minimization or mitigation.
- Groundwater monitoring must take place before construction, upon completion of construction, every five years during the operation of the USSGF, and upon completion of decommissioning. Results must be provided to County Planning Director.
- Before completion of construction, the facility owner or operator must provide the County Planning Director with an emergency management plan for all phases of the life of the facility.
- Emergency personnel must be provided a Knox box or code to access the property
- Owner/operator must coordinate plans and training with Fluvanna Fire and Rescue
- Draft decommissioning and reclamation plan must be submitted and approved before the permit issuance.
- Decommissioning plans to be updated every three years.
- USSGFS that have not been in active and continuous service for a period of six months must be removed at the expense of the owner or operator
- Surety agreement in the full amount of estimated decommissioning costs must be submitted before a building or land disturbing permit is issued
- Panels must be recycled at a certified recycling facility
- As part of the Emergency Response Plan, training shall be provided and updated (i) whenever significant modifications and/or repairs are made to the facility and (ii) at the request of the County Fire Chief

Planning Commission members discussed the option of limiting percentage under panel in each district to avoid concentration of all 3% in one magisterial district and agreed no more than 1% of 5400 acres should be in one district. Members also discussed if exceptions or waivers could be made during the SUP process and County Attorney Whitten confirmed conditions could be recommended with approval. County attorney confirmed changes could be made to the proposed regulations up until September 10<sup>th</sup> Public Hearing.

At 6:33 P.M. Planning Commission moved into a **Closed Session**.

<b>MOTION:</b>	I move that the Planning Commission go into closed session under the provisions of Section 2.2-3711 of the Virginia Freedom of Information Act for the following purposes: Section 2.2-3711(A)(8) for consultation with legal counsel regarding specific legal matters requiring the provision of legal advice by such counsel; I further move that such legal advice shall be limited to the Meadowbrook Rural Cluster Subdivision.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Motion</b>	<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0 Approved, 1 Absent</b>				

	I certify that to the best of each member’s knowledge (i) only public business matters lawfully exempted from open meeting requirements under this chapter and (ii) only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed or considered in the meeting by the public body.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>					
<b>VOTE:</b>	Aye	Aye	Absent	Aye	Aye
<b>RESULT:</b>	<b>4-0 Approved, 1 Absent</b>				

**1. CALL REGULAR MEETING TO ORDER, THE PLEDGE OF ALLEGIANCE AND A MOMENT OF SILENCE:**

At 7:02 pm, Chair Bibb, called the August 13, 2024 Regular Meeting to Order, led in the Pledge of Allegiance and then he conducted a Moment of Silence.

**2. DIRECTOR’S REPORT – Todd Fortune, Director of Planning**

**Announcements and Updates**

- Wawa (**SDP 23:07**) has submitted an application for a sign permit with accompanying sign plans that are currently being reviewed by staff. A waiver from the sign requirements per the County Code will be needed for one of the signs submitted due to its size. A public hearing is scheduled for August 21 for the Board of Supervisors to consider a waiver.
- Staff Update: William “Trey” Walton III, has accepted the position of Planner/GIS Technician. His first day was August 12, 2024.
- James River Water Authority: A minor subdivision plat for a utility lot has been approved and construction is underway on a section of the raw water main in Southern Fluvanna County.

**Upcoming Zoning Cases**

- **Rural Cluster Subdivision-** Staff have received an application for two rural cluster subdivisions consisting of 21 lots on 76 acres off of Justin Drive and one on Rolling Road and Briery Creek Road. The TRC reviewed these subdivisions on August 8<sup>th</sup> and they will be presented to the PC on September 10<sup>th</sup>.

**Upcoming Meetings**

- September 10, 2024 – Fluvanna County Courthouse
- October 8, 2024 – Morris Room
- November 12, 2024 – Morris Room

**3. PUBLIC COMMENTS #1**

At 7:07 pm, Chair Bibb opened the first round of public comments.

Tony Deyerle, SunTribe Senior Project Developer (2572 Sheppard Town Road Goochland, VA), Gary Wood, President & CEO of CVEC, Skyler Zunk, Chair of Virginia Solar Energy Development and Energy Storage Authority with Energy Right, all spoke in opposition of proposed solar regulations.

With no one else wishing to speak, Chair Bibb closed the first round of Public Comments at 7:23 P.M.

**4. MINUTES**

<b>MOTION:</b>	To Approve the Regular Meeting minutes of the Planning Commission of July 9, 2024.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Motion</b>	<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Abstain	Aye	Aye
<b>RESULT:</b>	<b>4-0 Approved – 1 Abstained</b>				

**5. PUBLIC HEARINGS**

**SUP24:03 Camp Yellow Cardinal LLC**– A Special Use Permit request in the A-1, Agricultural, General District to operate a Campground under §§ 22-4-2.2 on 13.173 ± acres and known as Tax Map 60 Section 8 Parcel 25. The subject property is located at the intersection of Bremono Road and Cloverdale Road in the Fork Union Election District.

- The Applicant is proposing to construct 12 campsites (Revised to 10 campsites on 8/12/24) designed to blend in with the natural environment. Each campsite will consist of a platform deck with a geodesic dome accommodation structure, a fire-pit, a picnic table, and a wood-burning hot tub.
- The first phase of development would consist of six (6) campsites and a centrally located bathhouse with six individual showers, sink, and toilet facilities. The second phase of development would consist of six additional campsites and an additional bathhouse with enough facilities to accommodate the expansion. The proposed facility would include 15- space parking lot to accommodate vehicles for campground guests and would not accommodate recreational vehicles on the property. Other amenities would include a centrally located communal pavilion for dining and recreational activities, walking paths throughout the property, and a camp store for guests that would be operated out of a non-operational RV on the property carrying non-perishable food and merchandise for purchase.
- Planning Director Todd Fortune provided his staff report with recommended conditions including TRC Comments.
- Applicant, Kevin Wilson, addressed the Planning Commission and presented responses to TRC Comments regarding fire safety and campground rules and regulations that is presented to guests.
- Planning Commission Johnson-Morgan asked if a community meeting was held to which the applicant responded there was not but letters were left in adjacent mailboxes with applicant contact information. Chair Bibb asked applicant if he would like to request a deferral to allow time to hold a community meeting prior to public hearing. County Attorney confirmed if the applicant were to request a deferral than there would be no public hearing at the next meeting as the public hearing has been advertised for tonight and there are residents wishing to speak. The next time the item came before the Planning Commission it would not be an advertised Public Hearing but as Unfinished Business item on the Agenda.

At 7:49 P.M. Chair Bibb opened the public hearing.

The following residents spoke in opposition of the campground: Jennifer Montague (3235 Cloverdale Rd), Jonathan Wills (3235 Cloverdale Rd), Ron Unnerstall (578 Middle Farms Trace), Tammy Castle Stough (2993 Cloverdale Rd), Wayne Griffin (3474 Cloverdale Rd), Kenny Willchinski (3156 Cloverdale Rd), Sean Sopht (265 South Creek Lane), Tom Gable (3350 Cloverdale Rd), Richard Eaton (3391 Cloverdale Rd), Nadine Armstrong (2979 Brema Rd), Paula Eaton (3391 Cloverdale Rd), Rhonda Griffin (3474 Cloverdale Rd) and Roger Davis (3159 Cloverdale Rd)

Various concerns such as fire safety, security, on-site staffing, flooding, traffic, water/sewer, trash, EMS response were presented to the Planning Commission as was two supporting documents: (1) A Deed of Protective Covenant Restrictions (DB. 190 PG. 270) for South Creek Farms from 1989, stating all lots shall be used for residential purposes only and (2) A Petition of Protest signed by the following residents:

Wayne and Rhonda Griffin, and Judith C. (3474 Cloverdale Rd), Frank and Jennifer Montague (3235 Cloverdale Rd), Roger Davis(3159 Cloverdale Rd), Felicia Coles(204 South Creek Lane), Two Residents(266 South Creek Lane), Sean Sopht and Carol Sopht Zamora(265 South Creek Lane), Ronnie Paterson(263 South Creek Lane) Victoria Zavadsky (2956 Cloverdale Rd), Resident(2914 Cloverdale Rd), Katharina Balow (2856 Cloverdale Rd) Tom Gable (3350 Cloverdale Rd), Cobey Clark and Katelin Perkins(714 Gale Hill Rd), Stephen and Tina Hester(140 Gale Hill Rd), William Hammond (536 Gale Hill Rd), Barry Morris(7791 Brema Rd), Kenneth and Mary Willchinski (3156 Cloverdale Rd), Susanna Seay (7664 Brema Rd), Mark and Tammy Stough and Betty Castle (2993 Cloverdale Rd) , Richard, Ella, and Sharon Eaton (3391 Cloverdale Rd), Ron Unnerstall (578 Middle Farms Trace), Sheila James (3026 Cloverdale Rd), Joseph and Melissa Southwick (2888 Cloverdale Rd), R. and C. Bickel (2614 Cloverdale Rd), Gina Talley (2613 Cloverdale Rd), Resident of 2465 Cloverdale Rd, Mary James( 15 Dora Ln) Phyllis and Travis Johnson (1979 Cloverdale Rd), Sharon Patterson (528 Deer Lane), Frances Anderson(1951 Cloverdale Rd), 2 Residents of 1771 Cloverdale Rd, Romona Hill (1628 Cloverdale Rd), Robert James (1746 Cloverdale Rd), Arthur Lee Opie (1938 Cloverdale Rd), Lewis Lacy (55 Elmore Drive), and Walter Seyl (2925 Cloverdale Rd).

With no one else wishing to speak, Chair Bibb closed the public hearing at 8:35 P.M. and opened Planning Commission Discussion.

Chair Bibb, Commissioners Johnson-Morgan, Kilpatrick, Lagomarsino, and Shifflett, and BOS rep Goad, all expressed having major concerns about public safety, flash flooding, waste

management, traffic, safety, EMS response, and restrictive covenants that were presented during the public hearing.

<b>MOTION:</b>	I move that the Planning Commission recommends denial of SUP24:03, a request to permit a campground and accessory uses with respect to 13.173 ± acres of Tax Map 60 Section 8 Parcel 25 with the conditions as described in the staff report				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>			<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Recommend Denial</b>				

Chair Bibb then declared a five-minute recess. The meeting reconvened at 8:53 P.M.

**6. ACTION MATTERS**

**Resolution 2024-04** of intention to amend the Code of the County of Fluvanna, Virginia by amending §22-2-1, enacting §§22-3-1 through 22-3-5.4 and enacting §§ 22-28-1 through 22-28-25 to create a solar zoning district and to add supplemental regulations for utility scale solar generation facilities

Chair Bibb confirmed with County Attorney Dan Whitten that there is a deadline to have a recommendation to the Board of Supervisors by September 20<sup>th</sup>. Commissioner Kilpatrick asked for more time to review solar ordinance review regulations and Chair Bibb confirmed that the Resolution is just to approve advertisement for a Public Hearing. Commissioner Lagomarsino confirmed with staff that the Solar Ordinance Review Committee is permitted to meet again prior to September 10<sup>th</sup> if necessary as well as language in the proposed ordinance changed prior to presenting to BOS.

<b>MOTION:</b>	I move that the Planning Commission approve Resolution 2024-04, a resolution of intention to amend the Code of the County of Fluvanna, Virginia by amending §22-2-1, enacting §§22-3-1 through 22-3-5.4 and enacting §§ 22-28-1 through 22-28-25 to create a solar zoning district and to add supplemental regulations for utility scale solar generation facilities				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Second</b>	<b>Motion</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Recommend Approval of Resolution 24-04</b>				

**7. PRESENTATIONS**

None.

**8. SITE DEVELOPMENT PLANS**

**SDP24:06 – South Boston Convenience Market**

- KFPT, LLC, and Shimp Engineering have submitted a Site Development Plan for a gas station/convenience store, car was, and commercial space on South Boston Road, Parcel 18-A-53. The property was rezoned from A-1, Agricultural to B-1 Business, General in 2007. The SDP being considered is for just under 50% of the parcel in question. The remainder of property would be retained for future development. Specifics of plan and TRC Comments can be found in Staff Report.

Commissioner Kilpatrick and Johnson-Morgan asked about a cemetery notated on sketch plan and wanted to know if the applicant has walked the property and noticed headstones or if they have completed deed research to see who is buried there. Commissioner Johnson-Morgan asked if possible for additional room than the proposed 10 feet between pavement and cemetery.

<b>MOTION:</b>	I move that the Planning Commission defer to September 10, 2024 SDP24:06 South Boston Convenience Market, a Site Development Plan request for gas station/convenience store, car wash, and commercial space with respect to Tax Map 18 Section A Parcel 53 subject to receiving further information regarding the cemetery's limits based on an archeologist walking the property and looking at such documentation that may exist.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Motion</b>			<b>Second</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Recommend Deferral</b>				

**9. SUBDIVISIONS**

None.

**10. UNFINISHED BUSINESS**

**2015 Comprehensive Plan 2024 Update**

- Acknowledgements, Introduction, and data has been updated as well as inclusion of advisory committee reports.

<b>MOTION:</b>	I move that the Planning Commission recommend adoption of the 2024 Update of the Fluvanna County Comprehensive Plan.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>			<b>Second</b>		<b>Motion</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Recommend Adoption</b>				

**ZTA24:03 – Amendment of §§22-17-7 and 19-9-6 Zoning and Subdivision Fees**

- The Revised fees were presented to the Planning Commission at its last regular meeting on July 9<sup>th</sup> and was deferred with the recommendation to lower costs for Conservation Easement Program and what would the replacement costs be for Public Hearing Signs. Conservation Easement Program fee has been proposed to \$100 from \$750. Staff confirmed this would not cover staff time for review and the applications received for this program are so far and few between that there really is not a revenue stream being affected. Commissioner Johnson-Morgan asked if there is a process for waiving fees for non-profit organizations and County Attorney confirmed a written request for a waiver would need to be presented to Board of Supervisors by applicant.

<b>MOTION:</b>	I move that the Planning Commission recommends approval of an ordinance to amend §§22-17-7 and 19-9-6 of the Fluvanna County Code to amend zoning and subdivision fees.				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>				<b>Second</b>	<b>Motion</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Recommend Approval</b>				

**SUB05:83 – Meadow Brook Phase IV – HOA and Developer Request to Amend Conditions**

- Lois Haverstrom, General Counsel for Southern Development Homes and Keith Lancaster, Land Planner for Southern Development Homes, addressed the Planning Commission with a proposed fire suppression plan including public water hydrants within 1.5 miles within rural cluster. Mr. Lancaster presented photos of current pavilion and picnic area that exists in open space. Meadow Brook HOA President and Secretary were present as well.

<b>MOTION:</b>	I move that the Planning Commission approve removal of condition 6 and amendments to condition 7 and 8 for SUB 05:83, a request for an amendment of the rural cluster subdivision approved for 46 lots pursuant to Section 19-7-2 of the Subdivision Ordinance with respect to 65.357 acres of Tax Map 12, Section A, Parcel 4 and 60.577 acres of Tax Map 12, Section A, Parcel 5 for a total of 125.934 acres				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>		<b>Second</b>	<b>Motion</b>		
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Recommend Approval</b>				

**11. NEW BUSINESS**

None.

**12. PUBLIC COMMENTS #2**

At 9:57 P.M. Chair Bibb opened the second round of public comments.

Jason Sweeney, 3456 James Madison Highway, spoke with concerns about solar regulations.  
 Karen Bowles, 5520 James Madison Highway, spoke with concerns about solar regulations.

With no one else wishing to speak, Chair Bibb closed the second round of public comments at 9:57 PM

**13. ADJOURNMENT**

<b>MOTION:</b>	Motion to Adjourn the August 13, 2024 Regular Meeting at 9:58 PM				
<b>MEMBER:</b>	Bibb	Kilpatrick	Shifflett	Lagomarsino	Morgan
<b>ACTION:</b>			<b>Second</b>		<b>Motion</b>
<b>VOTE:</b>	Aye	Aye	Aye	Aye	Aye
<b>RESULT:</b>	<b>5-0 Approved Adjournment</b>				